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November 5, 2009

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To: Supervisor Don Knabe, Chairman
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Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", written over a horizontal line.

SACRAMENTO UPDATE

This memorandum contains an update on the Seventh Extraordinary Legislative Session on Water including a pursuit of position on SBX7 7 (Steinberg), which would require the State to achieve a 20 percent reduction in urban water use by December 31, 2020; an update on the Fifth Extraordinary Legislative Session on Education Reform to enact changes to allow the State to qualify for Federal Race to the Top funds; and the status on County-supported SB 69 which would delay implementation of In-Home Supportive Services (IHSS) changes enacted in the FY 2009-10 State Budget Act.

Seventh Extraordinary Legislative Session on Water

On November 4, 2009, the Legislature passed a comprehensive water management plan to address the State's water supply and reliability issues. The five-bill package makes historic reforms intended to address California's water crisis. Governor Schwarzenegger is expected to sign all five bills.

The plan provides funding for new dams, groundwater cleanup, conservation and habitat restoration, and includes comprehensive tools to begin restoring the crucial Sacramento-San Joaquin Delta and create a stable water supply for cities in Southern California and farmers in the Central Valley. A brief description of each bill is provided below.

"To Enrich Lives Through Effective And Caring Service"

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SBX7 1 (Simitian), as amended on November 3, 2009, which would replace the existing Bay Delta Authority and CalFed Program with a new governance structure intended to balance the needs of Delta communities, water users, and the environment, passed the Assembly Floor by a vote of 44 to 26. The new governance structure creates the Delta Stewardship Council (DSC) to develop and implement a new Delta plan, creates the Sacramento-San Joaquin Delta Conservancy (Conservancy) to acquire lands and to facilitate ecosystem restoration, requires the Delta Protection Commission (DPC) to develop a regional economic sustainability plan that includes creation of a Delta Investment Fund in the State Treasury, requires the DPC to submit recommendations regarding expansion of the Delta zone to the Legislature, and requires the DSC to consider DPC recommendations if they are consistent with the Delta Plan objectives.

SBX7 2 (Cogdill), as amended on November 4, 2009, which would authorize the issuance of up to \$11.14 billion in State General Obligation bonds, pending voter approval, passed the Assembly Floor by a vote of 54 to 18. This measure proposes funding for a variety of purposes to include, but not limited to: regional water supply reliability (\$1.4 billion); delta sustainability (\$2.25 billion); drought relief (\$455 million); recycling and conservation (\$750 million); watershed protection and water quality projects statewide, including watershed projects within the County (\$1.785 billion); and groundwater protection and water quality projects (\$1 billion). In addition, it would authorize up to \$3 billion for statewide water system operational improvements, including storage. These system improvement funds will be continuously appropriated to the California Water Commission and not subject to appropriation or transfer by the Legislature or the Governor for any other purpose. This measure is double-joined to SBX7 1 (Simitian). The Department of Public Works (DPW) supports funding of the Integrated Regional Water Management Plan (IRWMP) regions.

SBX7 6 (Steinberg), as amended on November 4, 2009, which would establish a statewide groundwater monitoring program, passed the Assembly Floor by a vote of 44 to 25.

SBX7 7 (Steinberg), as amended on November 4, 2009, which would require a 20 percent reduction in urban water usage, passed the Assembly Floor in mock-up form by a vote of 45 to 12. The amended version would require achievement of the 20 percent urban water consumption reduction by December 31, 2020, and would mandate the development and implementation of more efficient agricultural water management practices by December 31, 2020.

SBX7 8 (Steinberg), as amended on November 4, 2009, which would appropriate \$546 million from various funds authorized by Proposition 84, passed the Assembly

Floor in mock-up form by a vote of 48 to 6. Specifically, this measure appropriates the \$546 million as follows: \$250 million for integrated regional water management grants and expenditures for programs and projects that reduce dependence on Delta water supplies; \$202 million for Delta flood control projects designed to reduce the potential for levee failures; \$70 million for stormwater flood management grants; and \$24 million for grants to local agencies in or around the Delta for the purpose of implementing natural community conservation plans. DPW supports funding of the IRWMP regions.

In addition, SBX7 8 requires mandatory reporting of water diversions, establishes civil sanctions for failure to file water diversion statements with the State Water Resources Control Board (SWRCB), and augments the SWRCB's budget by \$3.75 million for 25 permanent positions for water rights/surface water diversion reporting compliance and enforcement.

Pursuit of County Position on Water Supply Legislation

SBX7 7 (Steinberg), as amended on November 4, 2009, would require the State to achieve a 20 percent urban water consumption reduction by December 31, 2020, and would mandate the development and implementation of more efficient agricultural water management practices by December 31, 2020. This measure is very similar to County-supported AB 49 (Feuer), which requires the State to achieve a 20 percent reduction in urban water use in California by December 31, 2012, and requires agricultural water suppliers to prepare and adopt agricultural water management plans with specified components by December 31, 2012.

The Department of Public Works indicates that SBX7 7 is consistent with existing policy to support legislation to encourage water conservation and increase the efficiency of water use and promote local water reliability and conservation, and recommends that the County support SBX7 7, and we concur. Support is also consistent with existing policy to support AB 49 (Feuer), a substantially similar bill. **Therefore, the Sacramento advocates will support SBX7 7, and request the Governor to sign this measure.**

Fifth Extraordinary Legislative Session on Education Reform – Race to the Top Funding

On August 20, 2009, the Governor called the Legislature into the Fifth Extraordinary Legislative Session to make changes to ensure that California is eligible to compete for Federal Race to the Top (RTTT) funds provided through the American Recovery and Reinvestment Act. The one-time grants are intended to encourage and reward states that create conditions for educational innovation and reform and achieve significant improvement in student outcomes. To qualify for the funds states must implement

educational reforms to: 1) prepare students for college and the workplace; 2) recruit, train and retain effective teachers and principals; 3) develop data systems to measure student success; and 4) improve the lowest performing schools.

On September 8, 2009, the Board adopted a motion to send a five-signature letter to the Governor, the Assembly Speaker and the Senate President pro Tempore strongly supporting legislation that would allow California to qualify for RTTT funding, on the basis that it would benefit young people in the juvenile justice system.

The following bills have been introduced to allow California to qualify for these funds:

SBX5 1 (Romero), as amended on November 3, 2009, would:

1. Repeal provisions in current law which prohibit data on the California Longitudinal Pupil Achievement Data System to be used for the purpose of pay, promotion, sanction or personnel evaluation of individual teachers;
2. Require that the strategic plan to link education data system include interagency agreements that facilitate the transfer of data from one segment to another and that ultimately include linkages to workforce data;
3. Repeal the limitation on the number of charter schools in the State effective with the 2009-10 school year;
4. Require the Superintendent of Public Instruction to convene a workgroup to make recommendations to the Governor and the Legislature regarding the processes for authorizing and funding charter schools;
5. Enact the Open Enrollment Act to provide enhance parental choice and to provide options to pupil enrollment in schools throughout the State without regard to the residence of the parents;
6. Require the Superintendent of Public Instruction to make recommendations to the State School Board by February 1, 2010, regarding the criteria and conditions for identifying the lowest 5 percent of public schools and to establish accountability measures improve student outcomes at these schools; and
7. Require local educational agencies to retain data elements deemed necessary by the Superintendent of Public Instruction to comply with provisions of ARRA; and

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SBX5 1 passed the Senate Floor by a vote of 21 to 12 on November 3, 2009, and now proceeds to the Assembly.

SBX5 2 (Simitian), as amended on November 3, 2009, would authorize the California Department of Education, to the extent permissible under the Federal Family Educational Rights and Privacy Act, to: 1) develop procedures to provide qualified researchers with access to student achievement data; and 2) respond to requests for pupil data. The bill also would authorize local education agencies to access and share pupil data to identify practices that improve student performance. SBX5 2 passed the Senate Floor by a vote of 35 to 0 on November 3, 2009, and now proceeds to the Assembly.

Consistent with the September 8, 2009 Board motion, **the Sacramento advocates will support SBX5 1, SBX5 2 or similar legislation that would allow California to qualify for Race to the Top funding.**

Status of County Advocacy Legislation

County-supported SB 69 (Committee on Budget and Fiscal Review), as amended on November 2, 2009, would delay the implementation of IHSS Program changes enacted as part of the FY 2009-10 State Budget Act until 60 days after the stakeholder process is concluded. This measure also would require the California Department of Social Services to: 1) convene a stakeholder group to conduct a series of meetings to review the IHSS which are to be effective November 1, 2009; 2) propose guidelines for the appropriate and efficient implementation of these changes; 3) notify the Joint Legislative Budget Committee by February 1, 2010, that the IHSS changes may be implemented; and 4) issue final instructions and allocate funds to counties.

SB 69 failed to meet the two-thirds vote requirement for passage in the Senate on a vote of 23 to 12.

We will continue to keep you advised.

WTF:RA
MR:VE:EW:er

c: All Department Heads
Legislative Strategist